

## Part 2 Boards

### **58-1-201 Boards -- Appointment -- Membership -- Terms -- Vacancies -- Quorum -- Per diem and expenses -- Chair -- Financial interest or faculty position in professional school that teaches continuing education prohibited.**

- (1)
  - (a)
    - (i) The executive director shall appoint the members of the boards established under this title.
    - (ii) In appointing these members the executive director shall give consideration to recommendations by members of the respective occupations and professions and by their organizations.
  - (b) Each board shall be composed of five members, four of whom shall be licensed or certified practitioners in good standing of the occupation or profession the board represents, and one of whom shall be a member of the general public, unless otherwise provided under the specific licensing chapter.
  - (c)
    - (i) The name of each person appointed to a board shall be submitted to the governor for confirmation or rejection.
    - (ii) If an appointee is rejected by the governor, the executive director shall appoint another person in the same manner as set forth in Subsection (1)(a).
- (2)
  - (a)
    - (i) Except as required by Subsection (2)(b), as terms of current board members expire, the executive director shall appoint each new member or reappointed member to a four-year term.
    - (ii) Upon the expiration of the term of a board member, the board member shall continue to serve until a successor is appointed, but for a period not to exceed six months from the expiration date of the member's term.
  - (b) Notwithstanding the requirements of Subsection (2)(a), the executive director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
  - (c) A board member may not serve more than two consecutive terms, and a board member who ceases to serve on a board may not serve again on that board until after the expiration of a two-year period beginning from that cessation of service.
  - (d)
    - (i) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
    - (ii) After filling that term, the replacement member may be appointed for only one additional full term.
  - (e) The director, with the approval of the executive director, may remove a board member and replace the member in accordance with this section for the following reasons:
    - (i) the member fails or refuses to fulfill the responsibilities and duties of a board member, including attendance at board meetings;
    - (ii) the member engages in unlawful or unprofessional conduct; or

- (iii) if appointed to the board position as a licensed member of the board, the member fails to maintain a license that is active and in good standing.
- (3) A majority of the board members constitutes a quorum. A quorum is sufficient authority for the board to act.
- (4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
  - (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (5) Each board shall annually designate one of its members to serve as chair for a one-year period.
- (6) A board member may not be a member of the faculty of, or have a financial interest in, a vocational or professional college or school that provides continuing education to any licensee if that continuing education is required by statute or rule.

Amended by Chapter 262, 2013 General Session

**58-1-202 Boards -- Duties, functions, and responsibilities.**

- (1) The duties, functions, and responsibilities of each board include the following:
  - (a) recommending to the director appropriate rules;
  - (b) recommending to the director policy and budgetary matters;
  - (c) approving and establishing a passing score for applicant examinations;
  - (d) screening applicants and recommending licensing, renewal, reinstatement, and relicensure actions to the director in writing;
  - (e) assisting the director in establishing standards of supervision for students or persons in training to become qualified to obtain a license in the occupation or profession it represents; and
  - (f) acting as presiding officer in conducting hearings associated with adjudicative proceedings and in issuing recommended orders when so designated by the director.
- (2) Subsection (1) does not apply to boards created in Title 58, Chapter 55, Utah Construction Trades Licensing Act.
- (3)
  - (a) The following boards may recommend to the appropriate legislative committee whether the board supports a change to a licensing act:
    - (i) Chapter 5a, Podiatric Physician Licensing Act;
    - (ii) Chapter 16a, Utah Optometry Practice Act;
    - (iii) Chapter 17b, Pharmacy Practice Act;
    - (iv) Chapter 24b, Physical Therapy Practice Act;
    - (v) Chapter 28, Veterinary Practice Act;
    - (vi) Chapter 31b, Nurse Practice Act;
    - (vii) Chapter 40a, Athletic Trainer Licensing Act;
    - (viii) Chapter 44a, Nurse Midwife Practice Act;
    - (ix) Chapter 67, Utah Medical Practice Act;
    - (x) Chapter 68, Utah Osteopathic Medical Practice Act;
    - (xi) Chapter 69, Dentist and Dental Hygienist Practice Act;
    - (xii) Chapter 70a, Physician Assistant Act;
    - (xiii) Chapter 71, Naturopathic Physician Practice Act;
    - (xiv) Chapter 72, Acupuncture Licensing Act; and
    - (xv) Chapter 73, Chiropractic Physician Practice Act.

- (b) This Subsection (3) does not:
  - (i) require a board's approval to amend a practice act; and
  - (ii) apply to technical or clarifying amendments to a practice act.

Amended by Chapter 198, 2016 General Session

**58-1-203 Duties, functions, and responsibilities of division in collaboration with board -- Construction Services Commission.**

- (1) The following duties, functions, and responsibilities of the division shall be performed by the division with the collaboration and assistance of the appropriate board:
  - (a) defining which schools, colleges, universities, departments of universities, military educational and training programs, or other institutions of learning are reputable and in good standing with the division;
  - (b) prescribing license qualifications;
  - (c) prescribing rules governing applications for licenses;
  - (d) providing for a fair and impartial method of examination of applicants;
  - (e) defining unprofessional conduct, by rule, to supplement the definitions under this chapter or other licensing chapters;
  - (f) establishing advisory peer committees to the board and prescribing their scope of authority; and
  - (g) establishing conditions for reinstatement and renewal of licenses.
- (2) Notwithstanding Subsection (1), the duties, functions, and responsibilities of the division outlined in Subsection (1) shall, instead, be performed by the Construction Services Commission for all purposes of Title 58, Chapter 55, Utah Construction Trades Licensing Act.

Amended by Chapter 181, 2011 General Session